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November 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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November 23, 2010

The Honorable Mike McGrath
Chief Justice
Montana Supreme Court
PO Box 203001
Helena, MT 59620-3001

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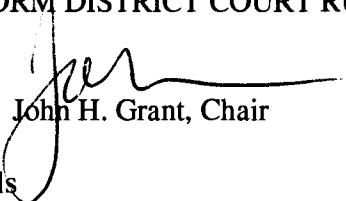
Re: **Response to Court's October 6, 2010, Order**

Dear Chief Justice McGrath:

Enclosed is the report of the Uniform District Court Rules Commission in response to the Court's Order dated October 6, 2010.

Very truly yours,

UNIFORM DISTRICT COURT RULES COMMISSION

By:  John H. Grant, Chair

JHG/nls

c: Elizabeth A. Halverson
The Honorable Katherine Irigoin
The Honorable Mike Salvagni
Gregory S. Munro
Monte D. Beck
Cathy Lewis

UNIFORM DISTRICT COURT RULES COMMISSION

A meeting of the Uniform District Court Rules Commission was held on November 15, 2010, by conference call. Present at the Meeting were the Honorable Katherine Irigoin, the Honorable Mike Salvagni, Gregory Munro, Monte Beck, Cathy Lewis and John Grant.

The purpose of the meeting was to discuss the proposed Limited Scope of Representation Rules on the Uniform District Court Rules.

It was determined that Rule 10 of the Uniform District Court rules was the only one that needed to be changed.

After discussion, upon motion duly made, seconded and carried it was Resolved:

Rule 10(b) of the Uniform District Court Rules should be amended to add the following language to the beginning of the rule: "Except as allowed or modified by the Limited Scope of Representation Rules . . ."

The Rule will then read:

"Rule 10. Death or removal of attorney.

(a) Whenever an attorney representing a party to an action, or in another civil proceeding of any kind, is removed, withdraws or ceases to act as such, said attorney must inform the court and all other parties of the full name and address of his client and any other information which the court may find appropriate to assist in contacting said party.

(b) Except as allowed or modified by the Limited Scope of Representation Rules, when the attorney representing a party to an action or proceeding dies, is removed, withdraws, or ceases to act as such, that party, before any further proceedings are had against him must be given notice by any adverse party:

- (1) That such party must appoint another attorney or appear in person, and
- (2) The date of the trial or of the next hearing or action required in the case, and
- (3) That if he fails to appoint an attorney or appear in person by a date certain, which may not be less than twenty days from the date of the notice, the action or other proceeding will proceed and may result in a judgment or other order being entered against him, by default or otherwise.

(c) Such notice may be by personal service or by certified mail to said party's last known address.

(d) If said party does not appoint another attorney or appear in person within twenty days of the service or mailing of said notice, the action may proceed to judgment. However, copies of all papers and documents required to be served by these rules and the Rules of Civil Procedure shall be mailed to said party at his last known address.

(e) In addition to the foregoing requirements of Rule 10 and before any change or substitution of attorney is effective, whether such change or substitution is occasioned by the death of the attorney or by his removal, withdrawal, ceasing to act, suspension or disbarment, the requirements of sections 37-61-403, 37-61-404 and 37-61-405, MCA, shall have been fully satisfied."

Respectfully Submitted November 23, 2010.



John H. Grant, Chair

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